

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RONALD JORDAN, ROBERT McKAY, and THE MBTA POLICE PATROLMAN'S UNION,)	
)	
)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 04-10927-RGS
)	
JOSEPH C. CARTER, individually and as Chief of the MBTA Police Department, and THE MBTA POLICE DEPARTMENT,)	
)	
)	
Defendants.)	
)	

DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Fed. R. Civ. P. 12(c), defendants Chief Joseph C. Carter and the MBTA Police Department respectfully move for judgment on the pleadings. Plaintiffs fail to state a claim as a matter of law. The grounds for this motion are more fully set forth in the accompanying memorandum of law.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), defendants respectfully request that the Court permit oral argument on this motion.

Respectfully submitted,

MBTA POLICE DEPARTMENT
CHIEF JOSEPH C. CARTER

By their attorneys,

/s/ Mark W. Batten
Mark W. Batten
PROSKAUER ROSE LLP
One International Place, 14th Floor
Boston, MA 02110
(617) 526-9850

Dated: November 3, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record, either through the electronic filing process or by first-class mail, postage prepaid, this 3rd day of November, 2004.

/s/Mark W. Batten
Mark W. Batten